

REMARKS**I. Claim Amendments**

Claims 5, 23, 39, 50, 63 and 81 remain pending. All other claims have been cancelled.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 5, 23, 39, 50 and 63 were rejected over Huber in view of Fechtel and further in view of Sayeed. Claim 81 was rejected over Huber in view of Fechtel and further in view of Sayeed as applied to claims 5, 23, 39, 50 and 63, and further in view of the GSM TDMA Standard (pg. 1230 of J. Gibson, The Communications Handbook, CRC Press, Inc. 1997).

The Applicant respectfully traverses the rejection of claims 5, 23, 39, 50, 63 and 81 on the grounds that Sayeed and Huber do not disclose, teach or suggest the determination of symbol phase with a 5-point correlation using sinusoidal functions as claimed.

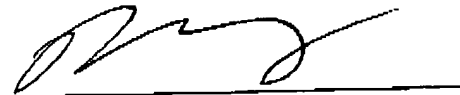
The cited passage of Sayeed, col. 3, ll. 12-36, relates only to determining a sampling rate based on a number of variables. The Applicant also notes that in the rejection of claims 5, 23, 39, 50, 63 and 81, Sayeed is cited for teaching sampling rate requirements. Sayeed, however, does not teach that a corresponding 5-point correlation must be performed for a 5-times oversampling. In fact, it appears that Sayeed, in its entirety, does not teach the performance of a corresponding n-point correlation for n-time oversampling, and thus Sayeed and Huber, when combined, do not disclose, teach or suggest the determination of symbol phase with a 5-point correlation using sinusoidal functions as claimed.

Reconsideration and allowance of claims 5, 23, 39, 50, 63 and 81 is requested.

III. Conclusion

For the reasons stated above, the applicant respectfully submits that the pending claims are presently in condition for allowance. The Commissioner is hereby authorized to charge any additional fees and credit any overpayment associated with this response to Jones Day Deposit Account No. 501432, ref: 098417-610018.

Respectfully submitted,
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